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TAGS: [PGOV](#) [PREL](#) [TU](#)

SUBJECT: TURKEY: SUPREME COURT JUSTICE COMMENTS ON REFORM
PROCESS

REF: A. ANKARA 4834

[1](#)B. ANKARA 4862

[1](#)C. ANKARA 4856

(U) Classified by Acting Political Counselor Nicholas S.
Kass. Reason: 1.5(b)(d)

[1](#)1. (C) Hasim Kilic, a senior Justice of the Turkish Constitutional Court and a leading proponent of comprehensive reform in Turkey, offered to A/Polcouns on Aug. 1 his views on the AK Government legislative program and the prospects for further democratization. According to Kilic, AK's legislative reforms concerning the powerful National Security Council (NSC), which passed parliamentary muster July 30, constitute an important step in redressing civilian-military imbalance, particularly in that they make possible the assignment of a civilian to fill the post of NSC SecGen.

-- President Sezer, Kilic said, is unlikely to veto the package despite the express reservations of military hard-liners to the changes (ref A and previous). Kilic expressed hope that the AK Government would eventually return to the issue of bringing military budgeting under the control of elected civilians.

-- Kilic asserted that the most important change the AK Government could make would be to transform the Turkish State system by increasing the powers of the president and subjecting the office to popular elections -- a move that the "Deep State" (military/bureaucratic Establishment) would find objectionable as long as AK was in power, he noted. In theory, these measures would serve to: 1) streamline the system; and 2) allow an elected leader to cut through the opposition of the entrenched, Establishment interests who oversee the function of government and implementation of policy, he said.

[1](#)2. (C) Above all, Kilic asserted, implementation of reforms is the key to Turkey's future success on the political front. "Let me be frank," he said. The High Court and other elements of the judiciary are still subject to "telephone calls from senior military officers telling judges how to rule" on particular matters. This, Kilic believed, would take time to change. It will also require "courage" and independent-mindedness on the part of judicial officials, "who over the past 80 years" (i.e., since the inception of the Kemalist Republic) have been habituated to timidity, he asserted.

-- One way to improve the judiciary would be to give Parliament a say over who sits on the senior bench, Kilic added. He noted that currently, the legislature "has no authority whatsoever" over an appointment process formally dominated by the presidency.

-- Kilic also observed that the current session of the Supreme Military Council (YAS) is crucial. It provides TGS Chief Ozkok a chance to push out hard-line senior commanders who oppose reform, he said. Kilic expressed optimism that Ozkok would prevail, given that the hard-liners really could offer no alternative vision for Turkey.

DEUTSCH